

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

| | | |
|--|---|--------------------|
| THE SCO GROUP, INC., |) | |
| |) | |
| Plaintiff/Counterclaim-Defendant, |) | |
| |) | |
| v. |) | 1:06MC00046 |
| |) | |
| INTERNATIONAL BUSINESS |) | |
| MACHINES CORPORATION, |) | |
| |) | |
| Defendant/Counterclaim-Plaintiff. |) | |

ORDER ENFORCING SUBPOENA

Before the Court is the motion of SCO to enforce its subpoena served upon non-party Otis Wilson. (Pleading No. 1.) The Court has considered the briefs of the parties and the oral argument of counsel given on May 30, 2006. For reasons announced in open court, the Court **GRANTS** the motion and directs that Mr. Wilson appear for deposition in accordance with the subpoena.¹ The only limitation imposed upon the deposition is that SCO may depose Mr. Wilson for no greater length of time than 4 hours. The Court finds that SCO has shown good cause for the re-deposition of Mr. Wilson in that SCO, although it was proceeding diligently with discovery, had inadequate information to proceed in a complete fashion at the time of the first deposition of Mr. Wilson in this action, which was noticed by IBM.

¹Mr. Wilson's motion for leave to file a declaration, Pleading No. 10, is **GRANTED**.

Mr. Wilson's motion to quash subpoena and for protective order (Pleading No. 5) is hereby **DENIED**.

IT IS SO ORDERED.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: May 31, 2006